

CLERK OF  
DISTRICT COURT  
LYN FRICKER

Jason J Henderson  
MACKOFF KELLOGG LAW FIRM  
38 Second Ave E  
Dickinson, ND 58601  
(701) 227-1841  
Attorney for Plaintiff

2019 NOV -1 PM 1:19

FILED BY *Mary Reed*  
CLERK/DEPUTY

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY**

LSF8 Master Participation Trust,

Plaintiff,

vs.

John P. Stokes and Pamela J. Stokes and any person in  
possession,

Defendants.

**COMPLAINT**

Civil Case: DV-18-243

Plaintiff, for its claim against John P. Stokes and Pamela J. Stokes alleges as follows:

1. The purchaser of the subject property at the Trustee's Sale held pursuant to the Small Tract Financing Act of Montana on August 18, 2016 was LSF8 Master Participation Trust. The Trustee's Deed was recorded on August 19, 2016. A true and correct copy is hereto attached as Exhibit "A".

(N1/2SW1/4SE1/4) OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA. SUBJECT TO AND TOGETHER WITH A 60-FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 50-FOOT RADIUS CUL-DE-SAC AS INDICATED ON CERTIFICATE OF SURVEY NUMBER 5068.

2. Plaintiff was entitled to possession of the above-entitled property on August 28, 2016 the tenth day following the aforementioned sale, pursuant to §71-1-319, MCA.

3. John P. Stokes and Pamela J. Stokes' interest in the above-described property is not prior to the Trust Indenture which was foreclosed and pursuant to which the Trustee's Sale was held.

4. John P. Stokes and Pamela J. Stokes were in possession of the above-described property at the time of the Trustee's Sale and remained in possession after the tenth day after the Trustee's Sale.

5. As a result, John P. Stokes and Pamela J. Stokes became a tenant-at-will pursuant to §71-1-319, MCA.

6. On May 29, 2018, pursuant to §70-27-104, MCA, Plaintiff caused to be served on John P. Stokes and Pamela J. Stokes' notice that the tenancy under which John P. Stokes and Pamela J. Stokes had possession of the above-described premises would terminate as of midnight on June 28, 2018 and that John P. Stokes and Pamela J. Stokes required to quit and deliver up possession of the same to Plaintiff on or before said date. A true and correct copy Notice to Quit and the original Certificate of Service are hereto attached as Exhibit "B", "C", "D" and "E" respectively.

7. That John P. Stokes and Pamela J. Stokes held over and continued in possession after June 28, 2018 without permission of Plaintiff and after termination of the tenancy-at-will.

8. That on July 6, 2018 Plaintiff caused to be served on John P. Stokes and Pamela J. Stokes notice that in case of John P. Stokes and Pamela J. Stokes' failure to vacate the premises within three days from the date of service of said notice, Plaintiff would institute an action for possession of the premises and for three times the rent due during the time John P. Stokes and Pamela J. Stokes continued in possession and for damages for the detention thereof and for any waste committed thereon, and such other damages as are allowed by law, and for three times the amount of actual damages assessed. The original Notice to Quit and Certificate of Service are hereto attached as Exhibits "F", "G" and "H".

9. That John P. Stokes and Pamela J. Stokes held over and continue to hold over and continue in possession of said premises without permission of Plaintiff.

10. This Court has jurisdiction over this matter as the subject property is located in its county, and pursuant to M.C.A. § 25-31-101, this Court has jurisdiction over unlawful detainer actions.

WHEREFORE, Plaintiff prays for Judgment against John P. Stokes and Pamela J. Stokes as follows:

1. For possession of the above-described premises;
2. For such other and further relief as the Court may deem equitable and just.

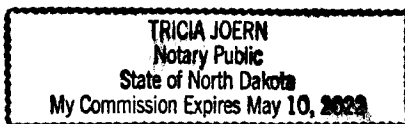
Dated this this 29th day of October, 2018.

Mackoff Kellogg Law Firm  
38 2nd Ave E  
Dickinson, ND 58601  
Attorneys for Plaintiff

By: \_\_\_\_\_

Jason J Henderson  
Montana Bar Number 11880

Subscribed and sworn to before me this 29th day of October, 2018.



\_\_\_\_\_  
Tricia Joern, Notary Public  
Stark County, North Dakota  
My Commission Expires: 05/10/2022

STATE OF MONTANA, COUNTY OF LAKE  
Recorded 08/19/2016 10:50  
Microfilm 549930 Paula A. Holle Recorder  
Fees \$21.00 by JM Deputy

After Recording Return To:  
Title Financial Specialty Services  
Attention: Foreclosure Department  
P.O. Box 339  
Blackfoot ID 83221

576259/579113 MTS

**TRUSTEE'S DEED**

This Deed, made August 18, 2016 from First American Title Company of Montana, Inc., Successor Trustee, of 580 Jensen Grove Drive, Blackfoot, ID 83221, to LSF8 Master Participation Trust, Grantee, with its principal office at SPOC Department, 3701 Regent Blvd, Irving, TX 75063.

**WITNESSETH:**

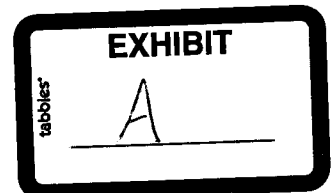
WHEREAS, John P. Stokes and Pamela J. Stokes executed a Trust Indenture conveying the real property hereinafter described to Mark E. Noennig to secure an obligation owed to WMC Mortgage Corp. said Trust Indenture dated on July 13, 1998, and recorded on July 17, 1998 as Document No. 391599.

WHEREAS, LSF8 Master Participation Trust, the current beneficiary, thereafter appointed and substituted the undersigned as successor trustee by Substitution of Trustee recorded June 25, 2015, under Document No 542084.

WHEREAS, thereafter the Grantor in said Trust Indenture defaulted in the performance of the obligation secured thereby by failing to pay the monthly installments beginning May 1, 2009 and each and every month thereafter, and that because of said default, the Trustee and Beneficiary elected to sell the property thereafter described to satisfy the obligation; and

WHEREAS, a Notice of Trustee's Sale was filed and recorded in the office of the Clerk and Recorder of Lake County, Montana, on March 9, 2016, as Document No. 546965 setting said sale for July 19, 2016 at 11:00 o'clock A.M., at the North Entrance to the Lake County Courthouse located 106 4th Avenue East in Polson, MT 59860.

SN



WHEREAS, in accordance with said Notice and after mailing, publication and posting of the Notice, as set forth in the affidavits of mailing, publication and posting recorded in the office of the Clerk and Recorder of Lake County, Montana, Affidavit of Mailing recorded on March 21, 2016 as Document No. 547169, Affidavit of Posting recorded on June 14, 2016 as Document No. 548646, and Affidavit of Publication recorded on June 14, 2016 as Document No. 548647, incorporated herein by reference, the said Trustee did, on August 18, 2016, at 11:00 o'clock A.M., duly sell at public auction in Lake County, Montana, the premises in said Trust Indenture and hereinafter described; and,

WHEREAS, at such sale said premises were fairly sold to the Grantee, being the highest bidder herein for the sum of \$449,804.40 and that sum being the highest bid and,

WHEREAS, said sum was paid by the purchaser to the Trustee and was applied by the Trustee to the costs and expenses of exercising the power of sale and the sale, including reasonable attorney's fees, and to the obligations secured by the Trust Indenture, and there was no surplus remaining.

NOW, THEREFORE, in consideration of the premises and the said sums so paid as aforesaid, and in compliance with the statute, said Trustee does hereby deed, and convey to said Grantee, all that real property situated in the County of Lake, State of MT, more particularly described as follows:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (N1/2SW1/4SE1/4) OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA.  
SUBJECT TO AND TOGETHER WITH A 60-FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 50-FOOT RADIUS CUL-DE-SAC AS INDICATED ON CERTIFICATE OF SURVEY NUMBER 5068.

The conveyance is made without any representation or warranty, including warranty of Title, express or implied, as the sale is made strictly on an as-is, where-is basis.

IN WITNESS WHEREOF, that said Trustee does hereby set his hand the day and year first above written.

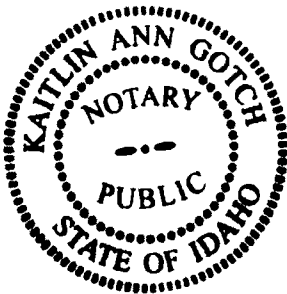
Rae Albert

Assistant Secretary,  
First American Title Company of Montana, Inc.  
Successor Trustee  
Title Financial Specialty Services  
PO Box 339  
Blackfoot ID 83221

STATE OF Idaho )

County of Bingham )ss. )

On 19, day of August, 2016, before me, a  
notary public in and for said County and State, personally appeared  
RAE ALBERT, known to me to be the Assistant Secretary of  
First American Title Company of Montana, Inc., Successor Trustee, known to me to be the  
person whose name is subscribed to the foregoing instrument and acknowledged to me that he  
executed the same.



Kaitlin Ann Gotch

Notary Public

State of Idaho

County of Bingham

Commission expires: 07/29/2022

**NOTICE TO QUIT**

To: Occupant(s)

All persons in possession of the property at: 820 Red Owl Road, BigFork, MT 59911

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (N1/2SW1/4SE1/4) OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA.

SUBJECT TO AND TOGETHER WITH A 60-FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 50-FOOT RADIUS CUL-DE-SAC AS INDICATED ON CERTIFICATE OF SURVEY NUMBER 5068.

**YOU ARE HEREBY NOTIFIED:**

1. That LSF8 Master Participation Trust was the purchaser of the property commonly known as 820 Red Owl Road, BigFork, MT 59911 , at the Trustee's Sale held on August 18, 2016 and as owner thereof LSF8 Master Participation Trust is entitled to possession of said property on the 10th day following the sale by virtue of §71-1-319, MCA.
2. You have **thirty (30) days** to vacate the residence. If you do not relinquish possession, eviction proceedings will be continued in the Lake County, Montana, to evict you.
3. YOU WILL FURTHER TAKE NOTICE that you will be held responsible and liable for any and all damages by reason of your occupancy thereof. Further, you may not legally or lawfully remove any fixture or other item attached to the property that is not removable therefrom without damaging said property.
4. **IMPORTANT NOTICE TO SERVICEMEMBERS AND THEIR DEPENDENTS PROTECTIONS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT.**

If you are a Servicemember on "active duty" or "active service", or a dependent of such a Servicemember, you may be entitled to certain legal rights and protections, including protection from eviction, pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 501-596), as amended, (the "SCRA") and, possibly, certain related state statutes. Eligible service can include:

- A. Active Duty (as defined in section 101(d)(1) of title 10, United States Code) with the Army, Navy, Air Force, Marine Corps, or Coast Guard;
- B. Active Service with the National Guard;
- C. Active Service as a commissioned officer of the National Oceanic and Atmospheric Administration;

**EXHIBIT**

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- D. Active Service as a commissioned officer of the Public Health Service; or
- E. Active Service with the forces of a nation with which the United States is allied in the prosecution of a war or military action.

Eligible service also includes any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

If you are such a service member, or a dependent of such a servicemember, you should contact Mackoff Kellogg Law Firm at (701) 227-1841 and ask for the Montana Eviction Department to discuss your status under the SCRA.

This Notice also constitutes a notice of non-renewal of any lease applicable to the premises.

Dated at Dickinson, North Dakota, this date 15th day of May, 2018.

Mackoff Kellogg Law Firm  
Attorneys for Plaintiff  
38 2nd Ave E  
Dickinson, ND 58601  
Telephone: 701-227-1841

By: \_\_\_\_\_

Jason J Henderson,  
MONTANA BAR NO. 11414  
Attorney for LSF8 Master Participation  
Trust



STATE OF MONTANA, COUNTY OF LAKE  
Recorded 08/19/2016 10:50  
Microfilm 549930 Paula A. Holle Recorder  
Fees \$21.00 by JM Deputy

After Recording Return To:  
Title Financial Specialty Services  
Attention: Foreclosure Department  
P.O. Box 339  
Blackfoot ID 83221

576259/579113MTS

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**WITNESSETH:**

WHEREAS, John P. Stokes and Pamela J. Stokes executed a Trust Indenture conveying the real property hereinafter described to Mark E. Noennig to secure an obligation owed to WMC Mortgage Corp. said Trust Indenture dated on July 13, 1998, and recorded on July 17, 1998 as Document No. 391599.

WHEREAS, LSF8 Master Participation Trust, the current beneficiary, thereafter appointed and substituted the undersigned as successor trustee by Substitution of Trustee recorded June 25, 2015, under Document No 542084.

WHEREAS, thereafter the Grantor in said Trust Indenture defaulted in the performance of the obligation secured thereby by failing to pay the monthly installments beginning May 1, 2009 and each and every month thereafter, and that because of said default, the Trustee and Beneficiary elected to sell the property thereafter described to satisfy the obligation; and

WHEREAS, a Notice of Trustee's Sale was filed and recorded in the office of the Clerk and Recorder of Lake County, Montana, on March 9, 2016, as Document No. 546965 setting said sale for July 19, 2016 at 11:00 o'clock A.M., at the North Entrance to the Lake County Courthouse located 106 4th Avenue East in Polson, MT 59860.

SN

WHEREAS, in accordance with said Notice and after mailing, publication and posting of the Notice, as set forth in the affidavits of mailing, publication and posting recorded in the office of the Clerk and Recorder of Lake County, Montana, Affidavit of Mailing recorded on March 21, 2016 as Document No. 547169, Affidavit of Posting recorded on June 14, 2016 as Document No. 548646, and Affidavit of Publication recorded on June 14, 2016 as Document No. 548647, incorporated herein by reference, the said Trustee did, on August 18, 2016, at 11:00 o'clock A.M., duly sell at public auction in Lake County, Montana, the premises in said Trust Indenture and hereinafter described; and,

WHEREAS, at such sale said premises were fairly sold to the Grantee, being the highest bidder herein for the sum of \$449,804.40 and that sum being the highest bid and,

WHEREAS, said sum was paid by the purchaser to the Trustee and was applied by the Trustee to the costs and expenses of exercising the power of sale and the sale, including reasonable attorney's fees, and to the obligations secured by the Trust Indenture, and there was no surplus remaining.

NOW, THEREFORE, in consideration of the premises and the said sums so paid as aforesaid, and in compliance with the statute, said Trustee does hereby deed, and convey to said Grantee, all that real property situated in the County of Lake, State of MT, more particularly described as follows:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (N1/2SW1/4SE1/4) OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA.  
SUBJECT TO AND TOGETHER WITH A 60-FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 50-FOOT RADIUS CUL-DE-SAC AS INDICATED ON CERTIFICATE OF SURVEY NUMBER 5068.

The conveyance is made without any representation or warranty, including warranty of Title, express or implied, as the sale is made strictly on an as-is, where-is basis.

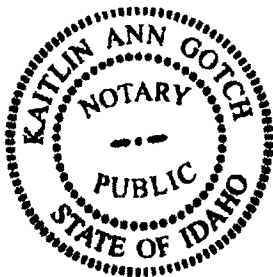
IN WITNESS WHEREOF, that said Trustee does hereby set his hand the day and year first above written.

Rae Albert

Assistant Secretary,  
First American Title Company of Montana, Inc.  
Successor Trustee  
Title Financial Specialty Services  
PO Box 339  
Blackfoot ID 83221

STATE OF Idaho )  
County of Bingham )ss.

On 19, day of August, 2016, before me, a  
notary public in and for said County and State, personally appeared  
RAE ALBERT, known to me to be the Assistant Secretary of  
First American Title Company of Montana, Inc., Successor Trustee, known to me to be the  
person whose name is subscribed to the foregoing instrument and acknowledged to me that he  
executed the same.



Kaitlin Ann Gotch

Notary Public  
State of Idaho  
County of Bingham  
Commission expires: 07/29/2022

State of Montana, County of Lake  
 Certificate of Service of 30 Day Notice to Quit and Certificate of Due Diligence

I hereby certify that I received the within and foregoing 30 day Notice to Quit on the 18 day of May, 2018, and completed service on 29 day of May, 2018 in the following manner:

1. **PERSONAL SERVICE UPON LISTED PARTY OF PARTIES**

☐ By delivering it to and leaving with \_\_\_\_\_ on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) named in said notice and to whom said notice was directed. (Section 70-27-110(2)(a), MCA)

2. **SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT KNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 at \_\_\_\_\_ said defendant's usual place of residence, and on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from said defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further true and correct copy of said notice, address to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-21-110(1)(b), MCA)

3. **SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT UNKNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of residence, and upon finding said defendant absent from and being unable to locate defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further and true and correct copy of said notice, addressed to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-27-110-(1)(b), MCA)

4. **LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT KNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_

**EXHIBIT**

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said defendant's usual place of residence and on \_\_\_\_\_, 2018,  
 \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 \_\_\_\_\_ AM/PM at \_\_\_\_\_.

said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from defendant's usual place of business, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address (Section 70-27-110(1)(c) MCA)

5. **LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT UNKNOWN**

X Having attempted to locate John P. Stoke, said defendant on May 22, 2018, 5:15 AM/PM and May 27, 2018, 4:42 AM/PM at 12987 Raven Way and upon finding no person present of suitable age and discretion on either attempt at the defendant's place of residence, by posting one copy of said notice at such residence on May 27, 2018, and by on May 29, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address. (Section 70-27-110(1)(c) MCA)

6. **PERSONAL SERVICE ON OCCUPANT(S)**

☐ By delivering it to and leaving with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) currently residing at residence.

Additional comments: \_\_\_\_\_  
 \_\_\_\_\_

I hereby also certify that I am now a citizen of the United States and a resident of the State of Montana, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein:

Dated the 27 day of MAY, 2018.

Process Server Signature - Scott Sciarretta 15-12  
 Process Server Name & Number - Scott Sciarretta

Naiman v Stokes 30 day NTQ 105585-1



State of Montana, County of Lake  
 Certificate of Service of 30 Day Notice to Quit and Certificate of Due Diligence

I hereby certify that I received the within and foregoing 30 day Notice to Quit on the 18 day of May, 2018, and completed service on 29 day of May, 2018 in the following manner:

1. **PERSONAL SERVICE UPON LISTED PARTY OF PARTIES**

☐ By delivering it to and leaving with \_\_\_\_\_ on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) named in said notice and to whom said notice was directed. (Section 70-27-110(2)(a), MCA)

2. **SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT KNOWN**

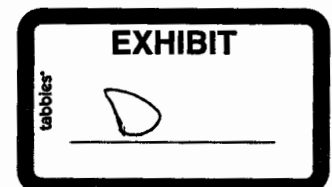
☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 at \_\_\_\_\_ said defendant's usual place of residence, and on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from said defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further true and correct copy of said notice, address to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-21-110(1)(b), MCA)

3. **SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT UNKNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of residence, and upon finding said defendant absent from and being unable to locate defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further and true and correct copy of said notice, addressed to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-27-110-(1)(b), MCA)

4. **LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT KNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_



said defendant's usual place of residence and on \_\_\_\_\_, 2018,  
 \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 \_\_\_\_\_ AM/PM at \_\_\_\_\_.

said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from defendant's usual place of business, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address (Section 70-27-110(1)(c) MCA)

**5. LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT UNKNOWN**

Having attempted to locate Pamela J. Stokes, said defendant on May 22, 2018, 5:15 AM/PM and May 27, 2018, 4:42 AM/PM at 12887 Raven Way and upon finding no person present of suitable age and discretion on either attempt at the defendant's place of residence, by posting one copy of said notice at such residence on May 27, 2018, and by on May 29, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address. (Section 70-27-110(1)(c) MCA)

**6. PERSONAL SERVICE ON OCCUPANT(S)**

☐ By delivering it to and leaving with \_\_\_\_\_ on, \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) currently residing at residence.

Additional comments: \_\_\_\_\_

I hereby also certify that I am now a citizen of the United States and a resident of the State of Montana, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein:

Dated the 27 day of MAY, 2018.

Process Server Signature Scott Sciarretta 15-12  
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Naiman v Stokes 30 day NTQ 105585-1



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**EXHIBIT**

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said defendant's usual place of residence and on \_\_\_\_\_, 2018.  
 \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 \_\_\_\_\_ AM/PM at \_\_\_\_\_.

said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from defendant's usual place of business, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address (Section 70-27-110(1)(c) MCA)

5. **LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT UNKNOWN**

☒ Having attempted to locate Occupant(s), said defendant on May 22, 2018, 5:15 AM/PM and May 27, 2018, 4:42 AM/PM at 12887 Raven Way and upon finding no person present of suitable age and discretion on either attempt at the defendant's place of residence, by posting one copy of said notice at such residence on May 27, 2018, and by on May 29, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address. (Section 70-27-110(1)(c) MCA)

6. **PERSONAL SERVICE ON OCCUPANT(S)**

☐ By delivering it to and leaving with \_\_\_\_\_ on, \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) currently residing at residence.

Additional comments: \_\_\_\_\_

I hereby also certify that I am now a citizen of the United States and a resident of the State of Montana, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein:

Dated the 27 day of MAY, 2018.

Process Server Signature - Scott Sciarretta 15-12

Process Server Name & Number - Scott Sciarretta

Naiman v Stokes 30 day NTQ 105585-1

JUL 20 2018

**NOTICE TO QUIT**

To: Occupant(s)

All persons in possession of the property at: 820 Red Owl Road, BigFork, MT 59911

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (N1/2SW1/4SE1/4) OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA.  
SUBJECT TO AND TOGETHER WITH A 60-FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 50-FOOT RADIUS CUL-DE-SAC AS INDICATED ON CERTIFICATE OF SURVEY NUMBER 5068.

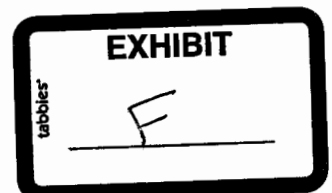
**YOU ARE HEREBY NOTIFIED:**

1. That by virtue of the notice which the undersigned purchaser of the above mentioned property served up on you, the tenancy under which you have possession of the premises terminated as of midnight on the June 28, 2018, and you were required to quit and deliver up possession of the same to the undersigned on or before said date.
2. That in case of your failure to vacate the premises within three (3) days from the date of the service of this notice upon you, the undersigned will institute an action against you for the possession of the premises and for three (3) times the rent due during the time you continue in possession and for damages for the detention thereof and for any waste committed thereon, and such other damages as are allowed by law, and for three (3) times the amount of actual damages assessed, all in accordance with the provisions of the laws of the State of Montana.

**3. IMPORTANT NOTICE TO SERVICEMEMBERS AND THEIR DEPENDENTS PROTECTIONS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT.**

If you are a Servicemember on "active duty" or "active service", or a dependent of such a Servicemember, you may be entitled to certain legal rights and protections, including protection from eviction, pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 501-596), as amended, (the "SCRA") and, possibly, certain related state statutes. Eligible service can include:

- A. Active Duty (as defined in section 101(d)(1) of title 10, United States Code) with the Army, Navy, Air Force, Marine Corps, or Coast Guard;
- B. Active Service with the National Guard;



- C. Active Service as a commissioned officer of the National Oceanic and Atmospheric Administration;
- D. Active Service as a commissioned officer of the Public Health Service; or
- E. Active Service with the forces of a nation with which the United States is allied in the prosecution of a war or military action.

Eligible service also includes any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

If you are such a service member, or a dependent of such a servicemember, you should contact Mackoff Kellogg at (701) 227-1841 to discuss your status under the SCRA.

Dated at Dickinson, North Dakota, this 29th day of June, 2018.

Mackoff Kellogg Law Firm  
Attorneys for Plaintiff  
38 2nd Ave E  
Dickinson, ND 58601  
Telephone: 701-227-1841  
MT Bar 11414

By: \_\_\_\_\_

Jason J Henderson  
Attorney for LSF8 Master Participation  
Trust

## State of Montana, County of Lake

## Certificate of Service of 3 Day Notice to Quit and Certificate of Due Diligence

I hereby certify that I received the within and foregoing 3 day Notice to Quit on the 2 day of July, 2018, and completed service on 6 day of July, 2018 in the following manner:

## 1. PERSONAL SERVICE UPON LISTED PARTY OF PARTIES

☒ By delivering it to and leaving with John P. Stokes on 7/6 2018, 4:00 AM/PM at 12807 Raven Way, being the person(s) named in said notice and to whom said notice was directed. (Section 70-27-110(2)(a), MCA)

## 2. SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT KNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 at \_\_\_\_\_ said defendant's usual place of residence, and on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from said defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further true and correct copy of said notice, address to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-21-110(1)(b), MCA)

## 3. SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT UNKNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of residence, and upon finding said defendant absent from and being unable to locate defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further and true and correct copy of said notice, addressed to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-27-110-(1)(b), MCA)

## 4. LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT KNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_

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said defendant's usual place of residence and on \_\_\_\_\_, 2018,  
 \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 \_\_\_\_\_ AM/PM at \_\_\_\_\_,

said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from defendant's usual place of business, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address (Section 70-27-110(1)(c) MCA)

**5. LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT UNKNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_

\_\_\_\_\_ and upon finding no person present of suitable age and discretion on either attempt at the defendant's place of residence, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address. (Section 70-27-110(1)(c) MCA)

**6. PERSONAL SERVICE ON OCCUPANT(S)**

☐ By delivering it to and leaving with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) currently residing at residence.

Additional comments: \_\_\_\_\_

I hereby also certify that I am now a citizen of the United States and a resident of the State of Montana, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein:

Dated the 6 day of July, 2018.

Process Server Signature

Scott Sciarretta 15-12

Process Server Name & Number -

SCOTT-SCIARETTA 15-12

Naiman v Stokes 30 day NTQ 105585-1

## State of Montana, County of Lake

## Certificate of Service of 3 Day Notice to Quit and Certificate of Due Diligence

I hereby certify that I received the within and foregoing 3 day Notice to Quit on the 2 day of July, 2018, and completed service on 6 day of July, 2018 in the following manner:

## 1. PERSONAL SERVICE UPON LISTED PARTY OF PARTIES

☒ By delivering it to and leaving with Pamela J. Stokes on 7/6 2018, 4:00 AM/PM at 122882 Loren Way, being the person(s) named in said notice and to whom said notice was directed. (Section 70-27-110(2)(a), MCA)

## 2. SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT KNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 at \_\_\_\_\_ said defendant's usual place of residence, and on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from said defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further true and correct copy of said notice, address to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-21-110(1)(b), MCA)

## 3. SUBSTITUTE SERVICE WITH PLACE OF EMPLOYMENT UNKNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant, on \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ said defendant's usual place of residence, and upon finding said defendant absent from and being unable to locate defendant's usual place of business, by delivering it to and leaving it with \_\_\_\_\_ on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_ a person of suitable age and discretion, on behalf of said defendant, being the person named in said notice, and to whom said notice was directed; and by on \_\_\_\_\_, 2018 mailing a further and true and correct copy of said notice, addressed to said person(s) (including mailing to "Occupants") at said residence address. (Section 70-27-110-(1)(b), MCA)

## 4. LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT KNOWN

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_

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said defendant's usual place of residence and on \_\_\_\_\_, 2018,  
 \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018 \_\_\_\_\_ AM/PM at \_\_\_\_\_,

said defendant's usual place of employment, and upon finding said defendant absent from said defendant's usual place of residence and from defendant's usual place of business, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address (Section 70-27-110(1)(c) MCA)

**5. LISTED PARTY OR PARTIES NOT FOUND, WITH PLACE OF EMPLOYMENT UNKNOWN**

☐ Having attempted to locate \_\_\_\_\_, said defendant on \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM and \_\_\_\_\_, 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_

\_\_\_\_\_ and upon finding no person present of suitable age and discretion on either attempt at the defendant's place of residence, by posting one copy of said notice at such residence on \_\_\_\_\_, 2018, and by on \_\_\_\_\_, 2018 duly mailing a further true and correct copy of said notice, addressed to all persons named in said notice and to whom said notice was directed (including mailing to "Occupants"), at said residence address. (Section 70-27-110(1)(c) MCA)

**6. PERSONAL SERVICE ON OCCUPANT(S)**

☐ By delivering it to and leaving with \_\_\_\_\_ on, \_\_\_\_\_ 2018, \_\_\_\_\_ AM/PM at \_\_\_\_\_, being the person(s) currently residing at residence.

Additional comments: \_\_\_\_\_

I hereby also certify that I am now a citizen of the United States and a resident of the State of Montana, over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein:

Dated the 6 day of July, 2018.

Process Server Signature - Scott S. Arretta 15-12

Process Server Name & Number - SCOTT SIARETTA 15-12